



Arizona Peace Officer Standards and Training Board

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Amended
MINUTES OF MEETING
NOVEMBER 16, 2016
PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 16, 2016, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Mr. David Brown, Public Member
Mr. H. Jeffrey Coker, Public Member
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Lawrence Hall, Buckeye Police Department
Executive Director Andrew LeFevre, Grand Canyon University
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections

Board Members Absent:

Sergeant Chris Andreacola, Tucson Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Detention Director Mike Olson, Maricopa County Sheriff's Office

Staff in Attendance:

Ted Brandon
Billy Caldwell
Annie Deer
Mike Deltenre
Marie Dryer
Steve Enteman
Cathy Hawse
Steve Jacobs
Jack G. Lane
Mark Perkovich
Cindy Sawyer
Sandy Sierra
Lori Wait

Assistant Attorneys General:

Michael Saltz
Seth Hargraves

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked that a Moment of Silence be observed in memory of Show Low Police Officer Darrin Reed; he then asked Director Charles Ryan to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Executive Director Lane introduced new board member Executive Director Andrew LaFevre of the Arizona Criminal Justice Commission; he replaces Professor Cornel Stemley of Grand Canyon University. Executive Director LeFevre is also an adjunct professor at Grand Canyon University. Director Lane also stated that Detention Director Mike Olson of the Maricopa County Sheriff’s Office has decided to retire; this leaves a vacancy on the Board. He will be contacting the Governor’s Office of Constituent Affairs about filling this position. He then introduced new AZ POST staff member Cynthia Sawyer, our new Training Compliance Specialist. Cindy retired as a lieutenant with the Maricopa County Sheriff’s Office.

C. Consent Agenda

Mr. Brown made a motion to accept the Consent Agenda, seconded by Sergeant Aparicio, motion carried unanimously.

1. Minutes of the Colorado City Marshal’s Office Subcommittee meeting held on September 20, 2016, were approved as written.
Minutes of the Board meeting held on September 21, 2016, were approved as written.
Minutes of the Board meeting held on October 19, 2016, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

Aaron C. Hergert	Peoria Police Department
Matthew A. Young	AZ Department of Transportation – ECD
Phillip B. Francisco	Navajo Division of Public Safety
Nicholas A. Rinaldi	Peoria Police Department
Kris J. Guffey	Mohave County Sheriff’s Office
Thomas Fielden	Grand Canyon University Police Department
Norberto Rojo	Grand Canyon University Police Department
Ryan G. Sand	Grand Canyon University Police Department

b. Training Unit Report (included with agenda material)

3. Income and Expense Statement – September 2016

Funds as of September 1, 2016	\$1,218,544.55
CJEF Revenue	400,339.57
Expenditures	(591,576.00)
Balance as of September 30, 2016	\$1,027,308.12

D. Executive Director’s Report

Budget – After the first quarter of this fiscal year, CJEF funding is in a downward spiral. Revenues for the month of October are the lowest they have been since 1998. Watching this very closely and may have to take some immediate action if this trend continues; may need to make some program cuts.

Board Communications – Executive Director Lane was asked by the AZ Criminal Justice Commission to be part of a working group involving CJEF funding. The group will be looking at providing alternatives to the legislative leadership regarding agencies that are significantly impacted over the loss of CJEF revenues. The group’s first meeting was November 9 and they discussed potential options and ideas regarding funding sources which they would like to present to the legislature at next year’s legislative session.

E. Legislative Update

Executive Director Lane stated a subcommittee was appointed during the last legislative session titled Peace Officer Employment Study Committee. The Committee met November 7 and asked AZ POST to testify before the Committee on November 21 concerning our minimum standards for hiring as well as the hiring process. Executive Director Lane will address the Committee and present a short power point presentation detailing POST’s standards. One of the legislatures on the Committee mentioned that perhaps POST’s drug standards were too strict; Executive Director Lane will address this issue with the Committee on November 21 and will also explain that agencies have the option to ask the Board for a waiver if it feels the individual’s drug use was juvenile indiscretion or experimentation. It should be noted that during our 5-year review process no one expressed any concerns that our standards were too strict.

F. Summary of Current Events

Executive Director Lane stated there is nothing new to report.

G. Reports

Department of Corrections – Director Ryan reported that since the last regular meeting, 142 cadets have graduated from COTA. They currently have three classes in session with 105 cadets in attendance. They have 748 vacancies statewide. Five cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies. Two applicants participated in the waiver process; for a savings of over \$13,000 to the agency.

H. Final Action Cases:Case #1 – Michael J. Carnicle – Phoenix Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Mr. Brown, motion carried unanimously.

Case #2 – Joshua E. Phillips – Phoenix Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.

Case #3 – David E. Vasquez – Yuma County Sheriff's Office

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Paul Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hall, motion carried unanimously.

Case #4 – Stewart Sherman – Phoenix Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Coker made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Dannels. Mr. Coker then amended his motion to suspend peace officer certification for two years from January 15, 2016 to January 15, 2018, seconded by Sheriff Dannels, motion carried unanimously.

Case #5 – Gary W. Hicks – Surprise Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

Case #6 – Sean G. Wurm – Maricopa Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Dannels, motion carried unanimously.

I. New Charging Cases:

Cases 1-6 were submitted to a Special Subcommittee for review, discussion and recommendation for possible action to the full Board. Members of the Special Subcommittee were: Sheriff Mark Dannels (chair), Mr. David Brown, Chief Larry Hall and Professor Cornel Stemley. The Special Subcommittee recommended that the Board initiate proceedings on all six cases.

Case #1 – Daniel R. Barlow – Colorado City Marshal’s Office

The Board considered comments from Compliance Specialist Mike Deltenre. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #2 – Jacob L. Barlow Jr. – Colorado City Marshal’s Office

The Board considered comments from Compliance Specialist Mike Deltenre. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #3 – Jeremiah H. Darger – Colorado City Marshal’s Office

The Board considered comments from Compliance Specialist Mike Deltenre. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #4 – Samuel E. Johnson – Colorado City Marshal’s Office

The Board considered comments from Compliance Specialist Mike Deltenre. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Chief Hall, motion carried unanimously.

Case #5 – Daniel N. Musser – Colorado City Marshal’s Office

The Board considered comments from Compliance Specialist Mike Deltenre. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously.

Case #6 – Hyrum S. Roundy – Colorado City Marshal’s Office

The Board considered comments from Compliance Specialist Mike Deltenre. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously.

Case #7 – Roy S. Dunkelbarger – Mesa Police Department

Chief Hall recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Mr. Paul Ahler (AAG) made a motion to close this case with **No Action**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #8 – Thomas M. Medina – Miami Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to close this case with ***No Action with Agency Discretion***, seconded by Mr. Paul Ahler (AAG), motion carried unanimously.

Case #9 – Peter J. Smith – Gilbert Police Department

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Paul Ahler (AAG) made a motion to ***Initiate Proceedings***, seconded by Sergeant Aparicio, motion carried with one nay vote recorded for Mr. Coker.

Case #10 – Richard C. Van Galder Jr. – Mesa Police Department

Chiefs Rodbell and Hall recused themselves from this case. The Board considered comments from Compliance Specialist William Caldwell. Mr. Brown made a motion to ***Initiate Proceedings***, seconded by Mr. Coker, motion carried unanimously.

Case #11 – James H. Maxcy – Coconino County Sheriff's Office

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Paul Ahler (AAG) made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Rodbell, motion carried unanimously.

Case #12 – Jesse J. Newton II – Prescott Valley Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Chief Hall made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Rodbell, motion carried unanimously.

Case #13 – Mark E. Nichols – Maricopa County Sheriff's Office

The Board considered comments from Compliance Manager Mark Perkovich. Mr. Paul Ahler (AAG) made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Hall, motion carried unanimously.

Case #14 – Taylor Romney – AZ State University Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to ***Initiate Proceedings***, seconded by Chief Rodbell; Sheriff Dannels then amended the motion to include rule violations R13-4-109(A)(8) and (12), motion carried unanimously.

Case #15 – Wade O. Voeltz – Maricopa County Sheriff's Office

The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to ***Initiate Proceedings***, seconded by Mr. Brown, motion carried unanimously.

Case #16 – Zachary A. Bohmer – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse. Chief Rodbell made a motion to ***Resolve in Future***, seconded by Sheriff Dannels, motion carried unanimously.

Case #17 – Robert J. Kelly III – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse. Chief Rodbell made a motion to close this case with **No Action with Agency Discretion**, seconded by Mr. Coker, motion carried unanimously.

Case #18 – Jarod J. Boyes – Yuma Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Paul Ahler (AAG) made a motion to **Initiate Proceedings**, seconded by Chief Hall, motion carried with one nay vote.

Case #19 – Rudy A. Dominguez – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Dannels made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #20 – Robert B. Furneaux – Phoenix Police Department

This case was tabled.

Case #21 – Emma J. Nez – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to close this case with **No Action with Agency Discretion**, seconded by Mr. Coker, motion carried unanimously.

Case #22 – Nicole A. Tucker – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to **Initiate Proceedings**, seconded by Mr. Paul Ahler (AAG), motion carried unanimously.

Case #23 – Charles V. Austin – Bisbee Police Department

Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Mr. Coker made a motion to **Initiate Proceedings**, seconded by Chief Rodbell, motion carried unanimously.

Case #24 – Israel J. Burkholder – Cochise County Sheriff's Office

Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Sergeant Aparicio made a motion to **Initiate Proceedings**, seconded by Director Ryan, motion carried unanimously.

Case #25 – Richard J. Corso – Kearny Police Department

The Board considered comments from Compliance Specialist Lori Wait. Mr. Paul Ahler (AAG) made a motion to **Initiate Proceedings**, seconded by Chief Rodbell; he then amended the motion to include rule violations R13-4-109(A)(8) and (9), motion carried with one nay vote recorded for Mr. Coker.

Case #26 – Kelsey C. Fortnam – Mesa Police Department

The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to **Initiate Proceedings**, seconded by Sergeant Aparicio, motion carried unanimously.

Case #27 – John M. Holyk – Scottsdale Police Department

Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Director Ryan made a motion to **Initiate Proceedings**, seconded by Sheriff Dannels, motion carried unanimously.

Case #28 – Kenny James – AZ Department of Transportation - ECD

The Board considered comments from Compliance Specialist Lori Wait. Sergeant Aparicio made a motion to **Initiate Proceedings**, seconded by Sheriff Dannels, motion carried unanimously.

Case #29 – David W. Servellon – Pima County Sheriff's Department

The Board considered comments from Compliance Specialist Lori Wait. Sergeant Aparicio made a motion to **Deny** peace officer certification, seconded by Chief Rodbell; he then amended the motion to include rule violations R13-4-109(A)(8) and (12) motion carried unanimously.

J. Call to the Public

No one wished to address the Board during the call to the public.

K. Future Agenda Items

Executive Director Lane stated that on next month's agenda he would like to address cases we are receiving that are marked for misconduct but those don't necessarily rise to the level of failure to meet minimum standards in order to maintain their certification. One case today was tabled for that reason; this case was just a failure to qualify with their firearm. He would like to discuss with the Board the handling of these cases.

L. Adjourn

Chairman Mascher adjourned the meeting at 11:57 a.m.